

JASON LE GARE

FULL NAME

COMMITTED NAME (if different)

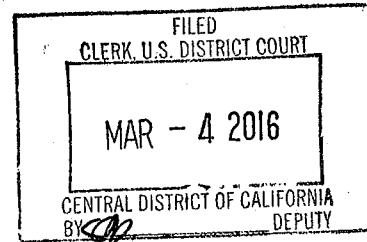
CHUCKAWALLA STATE PRISON

FULL ADDRESS INCLUDING NAME OF INSTITUTION

P.O. BOX 2349 BLYTHE CA 92226

H-56058

PRISON NUMBER (if applicable)



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JASON LEGARE

PLAINTIFF,

v.

S. MURAKONDA, ET AL

DEFENDANT(S).

CASE NUMBER

ED CV 15-00833 JVS (AFM)

*To be supplied by the Clerk***CIVIL RIGHTS COMPLAINT****PURSUANT TO** *(Check one)*

- ☒ 42 U.S.C. § 1983 ~~SECOND~~ **FIRST** AMENDED COMPLAINT
- ☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No
2. If your answer to "1." is yes, how many? N/A

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

N/A

- a. Parties to this previous lawsuit:
 Plaintiff N/A
 Defendants _____
- b. Court N/A
- c. Docket or case number N/A
- d. Name of judge to whom case was assigned N/A
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) N/A
- f. Issues raised: _____
- g. Approximate date of filing lawsuit: N/A
- h. Approximate date of disposition N/A

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No
 If your answer is no, explain why not _____
3. Is the grievance procedure completed? ☒ Yes ☐ No
 If your answer is no, explain why not _____
4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff JASON LEGARE

who presently resides at CHUCKAWALLA STATE PRISON PO BOX 2349 BLYTHE CA 92226
(print plaintiff's name)
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at
CHUCKAWALLA STATE PRISON
(institution/city where violation occurred)

1. Defendant S. .MURAKONDA resides or works at
 (full name of first defendant)
19025 WILEY'S WELL ROAD -BLYTHE CA 92226
 (full address of first defendant)
DOCTOR
 (defendant's position and title, if any)

SHE IS THE DOCTOR WORKING FOR THE STATE OF CALIFORNIA CORRECTIONS

2. Defendant M. KALIAN resides or works at
(full name of first defendant)
19025 WILEY'S WELL ROAD, BLYTHE CA92226
(full address of first defendant)
REGISTERED NURSE
(defendant's position and title, if any)

SHE IS A REGISTERED NURSE FOR THE STATE OF CALIFORNIA CORRECTIONS

3. Defendant Y. SOTO resides or works at
(full name of first defendant)
19025 WILEY'S WELL ROAD, BLYTHECA 92226
(full address of first defendant)
NURSE
(defendant's position and title, if any)

SHE IS A NURSE WORKING FOR THE STATE OF CALIFORNNIA CORRECTIONS

4. Defendant D. KNAPP _____ resides or works at
(full name of first defendant)
19025 WILEYS 'S WELLROAD, BLTYTHE CA 92226
(full address of first defendant)
NURSE
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

SHE IS A NURSE WORKING FORTHE STATE OF CALIFORNIA CORRECTIONS

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

D. CLAIMS*

CLAIM I

The following civil right has been violated:

THE CRUEL AND UNUSUAL PUNISHMENT CLAUSE OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION - DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS SEE ATTACHED COMPLAINT pages 8-9.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.
THE FACTS ARE LENGTHY AND ARE DESCRIBED IN THE ATTACHED COMPLAINT. See pages 3 through 7 of the attached complaint.

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

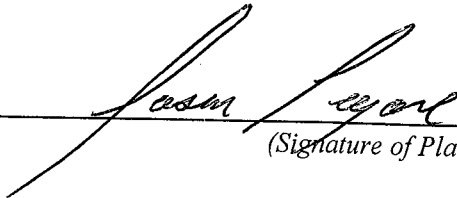
E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

DECLARATORY RELIEF; COMPENSATORY DAMAGES ACCORDING TO PROOF; COST OF SUIT;
SUCH FURTHER RELIEF AS THE COURT DEEMS PROPER.

3-1-16

(Date)



(Signature of Plaintiff)

JASON PAUL LEGARE
H-56058 B5-18-5L
CHUCKAWALLA STATE PRISON
P.O. BOX 2349
BLYTHE, CALIFORNIA 92226

In Pro-Se

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JASON PAUL LEGARE,
Plaintiff,

vs.

S. MURAKONDA, M.D.,
M. KALIAN, Registered
Nurse, Y.SOTO,
Registered Nurse,
D. KNAPP, LVN,
Defendants,

CASE NO. ED CV 15-00833 JVS (AFM)

~~SECOND~~ ^{FIRST} AMENDED CIVIL RIGHTS
COMPLAINT

42 U.S.C. §1983

DEMAND FOR TRIAL

I. NATURE OF ACTION

1. This is a civil rights action authorized by 42 U.S.C. §1983 filed by Plaintiff JASON PAUL LEGARE, a state prisoner to redress the deprivation under the color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. 1331 & 1343 (a)(3).

1 Plaintiff alleges a violation of his constitutional rights to
2 receive proper medical care. Plaintiff seeks money damages and
3 declaratory relief pursuant to 28 U.S.C. §§2210 and 2202.

4 2. The Central District of California is an appropriate venue
5 under §1391 (b)(2), because the events giving rise to
6 plaintiff's claims occurred in Riverside County in the State of
7 California.

8 II.

9 Plaintiff

10 3. Plaintiff, JASON PAUL LEGARE, is and was at all times
11 mentioned herein a prisoner of the State of California in the
12 custody of the California Department of Corrections &
13 Rehabilitation (CCDR). Plaintiff is currently confined in
14 Chuckawalla State Prison (CVSP) in Blythe, California.

15 III.

16 Defendants

17 4. Defendant Dr. S. MURAKONDA is and at all times relevant to
18 this action is a Doctor at CVSP and is responsible and has a
19 duty to adequately provide medical care for prisoners at CVSP
20 where the events giving rise to this action occurred. At all
21 times mentioned defendant S. MURAKONDA was acting under the
22 color of state law in the course and scope of her employment and
23 is sued in her individual capacity.

24 5. Defendant Registered Nurse M. KALIAN, is and at all times
25 relevant to this action a registered nurse at CVSP where the
26 events giving rise to this action occurred. Defendant M. KALIAN
27 is responsible and has the duty to provide adequate medical care
28

1 for prisoners at CVSP. At all times mentioned defendant KALIAN
2 was acting under the color of state law in the course and scope
3 of her employment and is sued in her individual capacity.

4 6. Defendant Registered Nurse Y. SOTO, is and at all times
5 relevant to this action a registered nursed at CVSP where the
6

7 events giving rise to this action occurred. Defendant Y. SOTO
8 has the duty to provide adequate medical care for prisoners at
9 CVSP. At all times mentioned defendant SOTO was acting under
10 the color of state law in the course and scope of her employment
11 and is sued in her individual capacity.

12 7. Defendant Licensed Vocational Nurse R. KNAPP is and at all
13 times relevant to this action a Licensed Vocational Nurse at
14 CVSP where the events giving rise to this action occurred.
15 Defendant KNAPP is responsible and has the duty to provide
16 adequate medical care for prisoners at CVSP. At all times
17 mentioned defendant KNAPP was acting under the color of state
18 law in the course and scope of her employment and is sued in her
19 individual capacity.

20 IV.

21 FACTS

22 8. Plaintiff, JASON LEGARE, is a prisoner at the CVSP who
23 arrived on July 15, 2014, from Richard J. Donovan State Prison.
24 Plaintiff suffered from acute left hydrocele. (Grossley
25 enlarged left testicle.) This symptom was likely due to
26 complications from a surgery plaintiff underwent for a left
27 varicocele repair and epididymal cyst surgery in 2007.
28

1 9. On September 10, 2014, plaintiff underwent a left
2 hydroceletomy with scrotal exploration at John F. Kennedy
3 Memorial Hospital at Sondona Surgery Center. The procedure was
4 performed without a glitch by Doctor SAMUEL S. LEE, M.D.. An
5 eight (8) inch plus penrose drain was stitched in place to the
6 scrotum for drainage. Dr. LEE forwarded post-op instructions
7 to medical staff at CVSP for the removal of the penrose drain
8 for the following day.

9 10. Immediately upon arriving back to the institution,
10 plaintiff found the surgical area was blood soaked. Plaintiff
11 reported to the facility clinic and informed defendant R.N. Y.
12 SOTO that he was bleeding excessively in the surgical area and
13 requested a dressing change. Defendant SOTO refused to change
14 the dressing or even supply plaintiff with gauze. Plaintiff
15 found it very difficult to walk in his condition but was refused
16 a wheelchair and was forced to walk in his condition.

17 11. The following morning at approximately 0730 hours on
18 September 11, 2014, plaintiff reported to the facility clinic
19 and informed defendants KNAPP and KALIAN that he was
20 experiencing excessive bleeding and that the post-op
21 instructions was for the penrose drain to be removed on that
22 date. Both defendants KNAPP and KALIAN refused to examine
23 plaintiff but provided a small amount of gauze and told to go
24 back to his bed and wait after making comments such as, "I'm not
25 touching them" among other things.

26 12. The same day at 1030 A.M. the bleeding had soaked through
27 the gauze, scrotal support and plaintiff's boxers. Plaintiff
28

1 notified custody staff who immediately sent plaintiff to the
2 facility clinic. Plaintiff was examined by defendants KALIAN
3 and MURAKONDA in the surgical area and was told that the penrose
4 train was not intact. Plaintiff disagreed and stated he could
5 feel it and must be there and requested they remove it.

6 Defendants MURAKONDA and KALIAN were adamant it was not there,
7 refused to change the dressing, and handed plaintiff some gauze
8 and sent him away. Plaintiff was forced again to try and clean
9 the surgical area without anti-bacterial soap and change the
10 dressing himself without the ability to see the area.

11 13. The following day, on September 12, 2014, a lump began
12 developing with pain. Plaintiff reported to the facility clinic
13 to complain of the development and was refused entry to talk to
14 any medical staff by correctional officer K. KUNDA by stating,
15 "they were busy, deal with it yourself."

16 14. On September 15, 2014,, the pain became acute and plaintiff
17 again reported to the facility clinic and was seen by defendants
18 MURAKONDA and KNAPP and plaintiff reported acute pain and lump
19 in surgical area. Defendants MURAKONDA and KNAPP refused to
20 examine plaintiff and was sent away.

21 15. On September 17, 2014, plaintiff was still suffering from
22 acute pain in the surgical area and reported to the facility
23 clinic and was refused an examination by defendant KNAPP.

24 16. Plaintiff placed a Medical request form (CDCR 7362) in the
25 medical box in front of the facility clinic on September 21,
26 2014. Plaintiff is now suffering acute pain in surgical area
27 where by now certainly is infected. Plaintiff suffered
28

1 headaches, lack of sleep, and emotional distress.

2 17. On September 24, 2014, plaintiff was finally examined by
3 defendants MURAKONDA and D. KNAPP and again was told, "it's all
4 normal." Plaintiff informed defendant MURAKONDA and KNAPP of
5 the "lump and pain" and "probable infection" but again was told
6 to leave the clinic area.

7 18. Plaintiff continues to suffer from pain in the surgical
8 area, headaches, lack of sleep, and emotional distress. Finally,
9 on October 9, 2014 plaintiff was seen by SAMUEL LEE by
10 "telemeds" where plaintiff explained of his experience and an
11 ultrasound was ordered.

12 19. On October 15, 2014, plaintiff reported to the facility
13 clinic and was seen by defendant MURAKONDA and again pointed
14 out the obvious lump and infection in the surgical area and
15 complained of acute pain. Defendant MURAKONDA refused to
16 examine the scrotum.

17 20. On October 17, 2014, the results of the ultrasound on
18 plaintiff's scrotum was completed and the penrose drain was
19 clearly visible through the skin. A protective skin had grown
20 around the drain because of the excessive time lapse. As a
21 result, another surgery had to be performed to remove the drain
22 which necessitated the cutting of plaintiff's scrotum.

23 21. As a result of the deleberate indifference of defendants
24 and all defendants in refusing to properly treat plaintiff with
25 adequate medical care, plaintiff suffered an infection in his
26 scrotum, pain and suffering, headaches, loss of sleep and
27 emotional distress. Plaintiff had to endure an additional
28

1 surgery to remove the penrose drain causing additional pain and
2 suffering.

3 22. On October 30, 2014, surgery was performed by SAMUEL LEE
4 removing an eight to ten (8-10") inch penrose from plaintiff's
5 scrotum. Dr. LEE stated, he has done thousands of these
6 procedures and never has seen this and that "after care should
7 not have to be spelled out." As a result of the second surgery,
8 plaintiff suffered more swelling of the scrotum causing pain,
9 headaches, loss of sleep, and emotional distress. Plaintiff was
10 again refused a wheelchair and was forced to walk with an
11 extremely swollen scrotum for several days post operation.

12 23. There was an inexcusable practice of deliberate
13 indifference by defendants' SOTO, MURAKONDA, KNAPP, and KALIAN,
14 by improperly refusing to treat plaintiff with post-op dressing
15 changes and ignoring plaintiff's complaints of pain and
16 insistence that the penrose drain was still intact. The
17 deliberate indifference of defendants caused an infection of the
18 scrotum and a protective skin to grow around the penrose drain
19 due to the extensive amount of time it took from the initial
20 surgery to the ultrasound and ultimately to the second surgery.

21 24. Plaintiff exhausted his administrative remedies by
22 obtaining a decision at the third level decision and was
23 diligent in filing this complaint thereafter.

24 /

25 /

26 /

27 /

28

FIRST CLAIM FOR RELIEF

(§1983)

Violation Of Prisoner's Eighth
Amendment For Deliberate Indifference To
His Serious Medical Needs

25. Plaintiff realleges and incorporates by reference each allegation of paragraphs 1 through 23, inclusive, as if alleged herein.

All defendants acts were willful, intentional, wanton and in conscious disregard of plaintiff's rights. The constitutional deprivations described herein are the proximate result of the official policies, customs and pervasive practices of defendants. Defendants have been and are aware of all the deprivations complained herein and have condoned or been deliberately indifferent to such conduct.

26. Defendants MURAKONDA, KALIAN, SOTO and KNAPP violated plaintiff's Eighth Amendment right to the U.S. Constitution to be protected from cruel and unusual punishment as described in paragraphs 1 through 23. Defendant's were deliberately indifferent to plaintiff's medical needs and acted under color of state law and knew or should have known that their conduct or omission created an unreasonable risk of harm to plaintiff. As a direct and foreseeable result of defendant's KALIAN, MURAKONDA, KNAPP, and SOTO's violation of plaintiff's constitutional rights, plaintiff suffered an unnecessary second surgery to his scrotum that caused pain and suffering, headaches, loss of sleep and emotional distress. LEGARE IS

1 ENTITLED TO AN AWARD OF COMPENSATION AND PUNITIVE DAMAGES FOR
2 INJURIES SUFFERED.

3 PRAYER FOR RELIEF

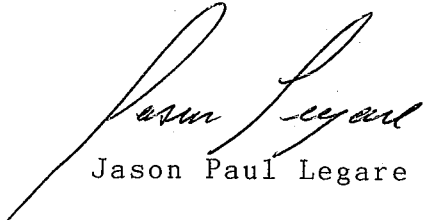
4 Wherefore, Plaintiff JASON PAUL LEGARE, prays for the
5 following relief:

- 6 1. Declaratory relief;
7 2. Compensatory Damages according to proof;
8 3. Cost of Suit; and
9 4. Such further relief as the court deems proper.

10 DEMAND FOR TRIAL

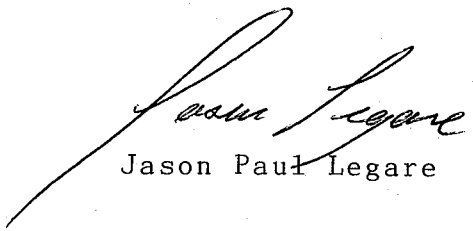
11 Plaintiff, JASON PAUL LEGARE hereby demands a trial by
12 jury.

13 Dated: March 1, 2016

14
15 
16 Jason Paul Legare

17 I declare under the penalty of perjury that the foregoing
18 is true and correct.

19 EXECUTED this 1st day of March 2016, at Blythe, California.

20
21 
22 Jason Paul Legare
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jason Paul Legare

Plaintiff,

v.

Case Number: ED CV 15-00833 JVS (AFM)

S. Murakonda, et al

Defendants

PROOF OF SERVICE

/

I hereby certify that on March 1, 2016, I served a copy
of the attached FIRST AMENDED COMPLAINT §1983

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at

Blythe Ca 92226:

(List Name and Address of Each
Defendant or Attorney Served)

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
300 S. SPRING ST, STE 1702
LOS ANGELES CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Alfred Lombardelli
ALFRED LOMBARDELLI

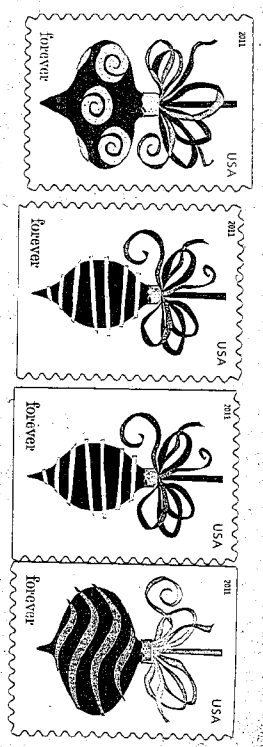
(Signature of Person Completing Service)

Jason Leake H-56058
CUST, BS-18-5L
P.O. Box 2349
Butte, CA. 92026

LEGAL MAIL

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Central District of California
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STATE PRISON



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